

1 THE HONORABLE JAMES L. ROBART
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 JOHN DOE, et al.,

10 Plaintiffs,

11 v.

12 DONALD TRUMP, et al.,

13 Defendants.

14 Civil Action No. 2:17-cv-00178 JLR *JLR*

15 **STIPULATION AND [PROPOSED]
16 ORDER REGARDING
17 CONSOLIDATION AND SCHEDULING
18 FOR FURTHER PROCEEDINGS**

19 On November 21, 2017, the Court directed the parties in *Jewish Family Service of Seattle*
20 *v. Trump*, No. 2:17-cv-01707JLR (W.D. Wash.), and *Doe v. Trump*, No. 2:17-cv-00178 (W.D.
21 Wash.), to show cause why the actions should not be consolidated pursuant to Federal Rule of
22 Civil Procedure 42(a). The parties have met and conferred and now agree and stipulate to the
23 following:

24 1. The cases may be consolidated for further proceedings, provided that (1) the
25 actions retain their separate character, (2) parties to one action will not be
26 designated as parties to the other, (3) parties may continue to file separate
briefing so long as it is not duplicative, and (4) consolidation will not affect the
page limits to which parties are entitled under the Local Rules, except as

1 provided in this stipulation or by subsequent Court order.¹ Because *Doe* was
2 filed first, it shall be the lead case for all future filings.

3 2. The preliminary injunction hearing in *Doe* presently scheduled for December
4 11, 2017, at 1:30 p.m. PST should be vacated, and a new consolidated hearing
5 to address the issues raised in the preliminary injunction motions filed in both
6 *Doe* and *Jewish Family Service* should be set at a date and time convenient for
7 the Court following the completion of briefing in *Jewish Family Service*. The
8 parties respectfully propose a consolidated hearing during the week of
9 December 18, 2017, preferably during the early part of that week in view of the
10 approaching federal holidays.

11 3. Each set of Plaintiffs may file a short notice joining the motion of the other
12 Plaintiffs and addressing issues raised in the opening preliminary injunction
13 brief filed by the other set of Plaintiffs, provided that Plaintiffs will not use these
14 short notices to raise new claims or merits arguments not previously raised by
15 one set or the other. Thus, the parties agree that, on or before November 29,
16 2017, the *Doe* Plaintiffs and the *Jewish Family Service* Plaintiffs may each file
17 a notice no longer than three pages addressing relevant issues raised in the other
18 set of Plaintiffs' opening brief. The Government may respond to these
19 supplemental arguments in its response in opposition to the *Jewish Family*
20 *Service* Plaintiffs' motion for preliminary injunction, and may file an over-
21 length brief in order to do so. Specifically, the Government's response brief in

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24 1 Plaintiffs believe that *JFS* and *Doe* should maintain their separate characters in light of the overlapping but differing
25 legal claims and classes (e.g., the *JFS* Plaintiffs' complaint seeks nationwide relief for refugees whereas the *Doe*
26 Plaintiffs' complaint focuses on Washington State and challenges additional policies). *See* 9A Charles Alan Wright,
et al., *Federal Practice & Procedure Civ.* § 2382 (3d ed. 2017) (describing consolidation that "does not merge the
suits into a single action"). As consolidated but not merged actions, parties in *JFS* and *Doe* would maintain separate
pleadings, but Plaintiffs in each action would endeavor to avoid duplication wherever possible.

1 *Jewish Family Service* may exceed the twenty-four pages allowable under the
2 Local Rules by five pages.
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STIPULATION AND [PROPOSED] ORDER REGARDING CONSOLIDATION AND
SCHEDULING FOR FURTHER PROCEEDINGS (No. 2:17-cv-00178JLR)-3

ORDER

Upon consideration of the above stipulation and the record in this matter, the Court approves the stipulation and all dates, page limits, and deadlines specified therein. The December 11, 2017, hearing in *Doe* is VACATED, and a hearing to address issues raised in both *Jewish Family Service* and *Doe* is set for December 21, 2017 at 9:00 a.m.

IT IS SO ORDERED

DATED this 29 day of Nov., 2017.

JAMES L. ROBART
UNITED STATES DISTRICT JUDGE

1	So stipulated and presented by:	DATED: November 29, 2017
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5	By: <u>/s/ Amy Williams-Derry</u>	<u>/s/ Michelle R. Bennett</u> MICHELLE R. BENNETT DANIEL SCHWEI KEVIN SNELL JOSEPH C. DUGAN Senior Trial Counsel / Trial Attorneys U.S. Department of Justice Civil Division, Federal Programs Branch 20 Massachusetts Avenue, NW Washington, DC 20530 Tel: (202) 305-8902 Fax: (202) 616-8470 Email: michelle.bennett@usdoj.gov
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STIPULATION AND [PROPOSED] ORDER REGARDING CONSOLIDATION AND
SCHEDULING FOR FURTHER PROCEEDINGS (No. 2:17-cv-00178JLR)-6